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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE

The question of integrating the human rights of women throughout the United Nations system

Report of the Secretary-General

GE.99-10451 (E)

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Introduction

1. At its fifty-fourth session, the Commission on Human Rights in its resolution 1998/51 on integrating the human rights of women throughout the United Nations system, referring inter alia to the Vienna Declaration and Programme of Action (A/CONF.157/23) and the Beijing Platform for Action (A/CONF.177/20, chap. I) emphasized that the goal of mainstreaming a gender perspective was to achieve gender equality and that that included ensuring that all United Nations activities integrate the human rights of women. The Commission also called upon all relevant actors to implement agreed conclusions 1997/2 of the Economic and Social Council through such measures as the adoption of gender-mainstreaming policies, the improvement of tools for gender mainstreaming, the establishment of instruments and mechanisms for monitoring and evaluation and the creation of accountability mechanisms for gender mainstreaming. In line with paragraph 231 (g) of the Beijing Platform for Action, the Commission also called for further strengthening of cooperation and coordination between the Commission on Human Rights and the Commission on the Status of Women and between the Office of the High Commissioner for Human Rights and the Division for the Advancement of Women in order to promote more effectively women's human rights.

2. In the same resolution, the Commission requested all human rights treaty bodies, special procedures and other human rights mechanisms of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities regularly and systematically to take a gender perspective into account in the implementation of their mandates, and to include in their reports information on and qualitative analysis of violations of human rights of women and girls, and encouraged the strengthening of cooperation and coordination in this regard. The Commission also drew attention to the need to develop practical strategies to implement the recommendations contained in the report of the expert group meeting on the development of guidelines for the integration of a gender perspective into human rights activities and programmes (E/CN.4/1996/105, annex).

3. The present report is submitted in accordance with Commission resolution 1998/51 and summarizes steps that have been taken to integrate gender perspectives fully into the United Nations human rights system. It updates the reports submitted in 1997 and 1998 on the same issue (E/CN.4/1997/40 and E/CN.4/1998/49 and Add.1). It deals with the concept of gender mainstreaming, and considers the various steps and initiatives taken by the Office of the High Commissioner for Human Rights, human rights bodies, treaty monitoring bodies and human rights mechanisms for that purpose.

I. MAINSTREAMING GENDER PERSPECTIVES

4. The Charter of the United Nations, the Universal Declaration of Human Rights and the international human rights instruments are all based on the fundamental principle of non-discrimination: everyone is entitled to all the rights and freedoms set forth in these instruments, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, birth or status.

5. While the principle of non-discrimination is a widely accepted norm, some aspects of it have proved easier to implement than others. The elimination of discrimination on the ground of sex still remains far from being attained despite gains made in the field of human rights. The international community has recognized the inadequacy of measures taken for the promotion and protection of the human rights of women at the international level. As the extent of this inadequacy becomes more apparent, measures to counter its effects are being undertaken. The guiding principle behind these efforts is mainstreaming gender perspectives, which was first formulated at the World Conference on Human Rights in 1993.

6. The World Conference on Human Rights set as a priority for Governments and the United Nations the achievement of the full and equal enjoyment by women of all human rights. The World Conference on Human Rights, by devoting particular attention to the question of gender inequality in the full enjoyment of human rights has clearly acknowledged that women's rights are human rights. It has also promoted the concept that the human rights of women are an inalienable part of universal human rights. As such they form an integral part of the human rights activities of the United Nations, including the promotion of all human rights instruments relating, directly or indirectly, to women. The Vienna Conference emphasized the need for Governments and the United Nations to make the full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex a priority goal of their policies. It also underlined the importance of the integration and full participation of women as both agents and beneficiaries in the development process.

7. Mainstreaming involves the placing of an issue within the pre-existing institutional, academic and discursive framework. It is the opposite of marginalization and, as such, is an appropriate way to characterize the objective of gender-perspective integration.

8. Not only does the issue need to be placed within pre-existing structures, it needs to be a constant consideration which is central to every aspect of the work of that structure. The aim of mainstreaming women's rights is to ensure that the inevitable social construction of men's and women's respective roles does not permit a discriminatory bias which subordinates women to men or places women in any kind of inferior position.

9. Gender mainstreaming is thus the process of bringing an awareness of the status of women into the public arena. In the field of human rights, this primarily involves realizing that there is a gender dimension to every occurrence of a human rights violation. Secondarily, it involves increasing women's participation in the mechanisms dedicated to protecting and promoting human rights. Moreover, coordination and cooperation between the different parts of the United Nations system must be strengthened if mainstreaming is to have a lasting impact on the way human rights work is executed.

10. The integration of gender concerns was recommended at all recent global conferences, with a strong emphasis by the World Conference on Human Rights and the Fourth World Conference on Women. The Fourth World Conference on Women reaffirmed that the human rights of women and of the girl child are an

inalienable, integral and indivisible part of universal human rights and established a number of specific strategic objectives to ensure that women enjoy their full human rights. The Beijing Declaration and Platform for Action restated and forcefully encouraged gender-sensitive analyses of human rights activity.

11. In its resolution 52/100, the General Assembly called once again upon States, the United Nations system and all other actors to implement the Platform for Action, in particular by promoting an active and visible policy of mainstreaming a gender perspective at all levels, including in the design, monitoring and evaluation of all policies and programmes in order to ensure effective implementation of all critical areas of concern of the Platform for Action. Subsequent paragraphs highlight the need for programmes of this kind to be allocated separate resources and for enhanced international cooperation in gender-related issues in order to ensure effective implementation.

12. It should be recalled that the United Nations system-wide medium-term plan for the advancement of women 1996-2001, which was submitted to the Economic and Social Council and endorsed in Council resolution 1996/34, stressed the importance of collaborative action in relation to assisting individual countries to translate the outcome of the conferences and summits into concrete national policies and programmes. The plan follows the structure of the Platform for Action adopted in Beijing. Most of the participating organizations and entities of the United Nations system approached the advancement of women through mainstreaming gender concerns into the full range of their activities. Some committed themselves to support programmes specifically targeted at women while others adopted the advancement and empowerment of women and the achievement of women's equality as their primary focus. Basically, all entities of the United Nations are, to varying degrees and in their specific areas of concern, participating in activities to implement the Beijing Platform for Action.

13. In general, the three main areas of the United Nations system-wide activities requiring collaboration are development of international standards and norms, policy formulation, and advice and operational programmes. Actions and means employed in their support include information collection and database development; research and analysis; operational activities, such as advisory services, technical assistance and training; and public information and outreach. As stated in the system-wide plan a great number of organizations in the United Nations system committed themselves to promote and to advocate women's full and equal enjoyment of all human rights and to advocate in particular the rights-based approach to the advancement of women in such areas as employment, education, violence against women and health and reproductive rights, as well as in the development activities.

14. A report of the Secretary-General submitted to the Commission on the Status of Women at its forty-second session in March 1998 (E/CN.6/1998/3) reviewed and updated all initiatives taken by the organizations of the United Nations system which had committed themselves to the system-wide plan. The report, to which OHCHR, among others, contributed, helped outline the future directions of the work of all the organizations.

15. United Nations organs, bodies and agencies were especially requested to implement the recommendations of the Declaration and Platform for Action. The Platform for Action makes specific reference to the role of the Office of the High Commissioner for Human Rights, the Commission on the Status of Women, the Commission on Human Rights, the treaty monitoring bodies, and advisory services and technical assistance programmes of other bodies where integration and mainstreaming need to be a central concern.

16. The action to be taken by Governments includes a range of practical and systematic measures directed at the full implementation of human rights instruments, the promotion of human rights education, the creation of national institutions for promoting women's rights, the promotion of the human rights of indigenous women, and the adoption of strategies for the mainstreaming of gender perspectives through increased and strengthened efforts and cooperation.

17. The important challenge today is for the international human rights system to take gender fully into account in the development and application of norms and procedures so that violations against women and girls are clearly identified and the protection offered under the law is adequate and equitable.

II. ACTIVITIES OF THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

18. This section gives a brief overview of the various steps and initiatives undertaken by the Office of the High Commissioner for Human Rights (OHCHR) in mainstreaming gender perspectives.

19. OHCHR is intensifying its efforts, in coordination with the Division for the Advancement of Women, to integrate a gender perspective in all human rights activities and to help ensure that the human rights of women are included as an important element of all activities of the system, in line with the agreed conclusions 1997/2 relating to gender mainstreaming throughout the United Nations system adopted by the Economic and Social Council.

20. Cooperation between the Division for the Advancement of Women and OHCHR is being maintained. In that regard, a joint work plan for the Division and the Office has been agreed and submitted to both the Commission on the Status of Women and the Commission on Human Rights.

21. OHCHR is finalizing a mission statement on gender and the human rights of women which will identify action to be taken at three levels: (a) the integration of a gender perspective into all aspects of OHCHR with particular attention being paid to policy development, strategic planning and the setting of priorities and objectives; (b) the active and broad participation of women in all fields of United Nations human rights activity; and (c) the initiation of specific programmes, special projects and activities aiming at integrating gender and the human rights of women. The mission statement is the recognition of the fact that the human rights of women are an essential part of the High Commissioner's mandate.

22. OHCHR placed the human rights of women at the centre of the commemorative activities for the fiftieth anniversary of the Universal Declaration of Human Rights. The second information kit for the anniversary

produced by the Office is entitled "Women's Rights, the Responsibility of All". The feature article of that kit examines and analyses the role of the United Nations in promoting the human rights of women. The kit also contains information on the activities of the United Nations system relating to the rights of women which were carried out in 1998. In addition, information on activities for 1998 relating to the human rights of women was provided by United Nations programmes and relevant inter-governmental and non-governmental organizations.

23. In the context of the fiftieth anniversary of the Universal Declaration of Human Rights, the High Commissioner encouraged Governments to ratify all pertinent instruments and to withdraw reservations made to the Convention on the Elimination of All Forms of Discrimination against Women.

24. In the same context, the High Commissioner, in cooperation with the Organization of the Islamic Conference organized a seminar entitled "Enriching the universality of human rights: Islamic perspectives on the Universal Declaration of Human Rights", which took place on 9 and 10 November 1998. Three papers were submitted by experts on the human rights of women and the status of women and their rights. The issue was discussed extensively during the seminar's debates.

25. The High Commissioner has identified trafficking in women and children for purposes of sexual exploitation as a priority issue and decided to focus attention on trafficking in women and children, in particular in Central and Eastern Europe and in South East-Asia, especially in Cambodia. OHCHR has established an in-house working group on trafficking in order to identify the most effective role which it could take towards eradicating the practice. A first meeting in August 1998, was attended by representatives of the International Labour Organization programme for the elimination of child labour (IPEC) and the International Organization for Migration, who gave their perspectives on the issue. Definitions of trafficking were reviewed, as were the human rights mechanisms dealing with trafficking and the potential role of OHCHR in preventing, combating and eradicating trafficking. Further meetings were organized in which non-governmental organizations actively participated. They expressed their support for this initiative. Further to that initiative, OHCHR has prepared a preliminary proposal aimed at supporting and strengthening existing initiatives and at promoting greater coordination of the various activities in this area.

26. The High Commissioner informed the Working Group on Contemporary Forms of Slavery at its twenty-third session (1998) of her decision to make the question of trafficking in women and children a priority of her Office. The Working Group decided to devote its next session to the question of trafficking in persons. Supportive of the whole initiative, concerned non-governmental organizations decided to hold a seminar on the traffic in persons and the exploitation of the prostitution of others, an issue of particular relevance to women and girl children, prior to the session of the Working Group, to discuss ways and means of reinforcing human rights mechanisms dealing with the question. It is also worth mentioning that the Special Rapporteur on the sale of children, child prostitution and child pornography focused her mandate in 1998 on trafficking in children and in 1999, the Special Rapporteur on violence against women will do likewise.

27. One of the important objectives of the Office is to ensure that technical cooperation activities in the field of human rights include the human rights of women and contribute to their promotion. In 1997 OHCHR commenced implementation of a project (developed jointly with the Division for the Advancement of Women) to integrate gender into its technical cooperation programme. A thorough review of the programme from this perspective was undertaken by a consultant recruited for that purpose. In March 1998, an expert group meeting was held to review the consultant's findings and to develop recommendations for future action. In addition to external experts, the meeting included representatives of the Division for the Advancement of Women, UNIFEM, UNFPA and ILO. The recommendations which emerged from this meeting are currently under implementation. Follow-up activities include the development, in July 1998, of detailed guidelines on gender and the human rights of women for use by OHCHR staff and consultants in the preparation and execution of all seminars and training activities. Similar guidelines for evaluating technical cooperation projects will be developed in the first quarter of 1999. These guidelines will feed into ongoing efforts to improve the methodology of the technical cooperation programme, including the revision of training and support materials. They will also provide the basis for the training of staff on gender and the human rights of women during 1999.

28. All training activities carried out as part of country projects under the OHCHR technical cooperation programme continue to include sessions on the human rights of women, with specific focus on concerns relevant to each professional group addressed by the training (judges, police officers, members of non-governmental organizations, government officials and others). Such training courses were carried out in 1998 in Argentina, Bhutan, Cambodia, El Salvador, Namibia, Nepal, Palestine, South Africa and Togo. Training materials under preparation by OHCHR in support of technical cooperation activities, in particular for prison officers, judges and lawyers, and on human rights monitoring also include sections on the human rights of women and will be reviewed prior to publication to ensure that a gender perspective is fully incorporated.

29. The guidelines referred to above have been shared with all OHCHR field offices. Field management and field officers will continue to be closely involved in the further development and refinement of gender guidelines as they relate to technical cooperation.

30. An agreement on cooperation between OHCHR and the Office of the Special Representative of the Secretary-General in Bosnia and Herzegovina was recently concluded. The agreement identified gender issues as one of the priorities for OHCHR action. A senior human rights officer was recently recruited by OHCHR to address this issue by developing programmes and policies to ensure that gender and the human rights of women are fully integrated into the work of the Office and that of the other United Nations agencies active in Bosnia and Herzegovina.

31. The human rights of women are also being addressed within the work of OHCHR field offices, whether of a monitoring, a technical assistance, or a mixed nature. Efforts are being made both to integrate gender and the human rights of women into the overall work of the offices and to carry out activities specifically focusing on these issues. In Cambodia, for example,

the issue of the human rights of women cuts across the wide range of areas in which the Office is engaged: from assistance in legislative reform to the administration of justice; from support in meeting treaty reporting obligations to education and training activities. The Office also provides substantive and financial support to NGOs working in the area of women's rights. In the annual reports of the Secretary-General to the Commission and the General Assembly on the situation of human rights in Cambodia, the situation of women is examined in a separate section.

32. In El Salvador, a gender advisor joined the Office staff with a view to ensuring the integration of gender and women's concerns into its work. The Office has been assisting the Salvadorean Parliament in the development of new legislation on violence against women; in conducting extensive training for police and prison officers on how to deal with women victims, and in developing training materials on this subject.

33. In Palestine, the Office supported the establishment of a women's human rights unit in a local non-governmental organization, which is focusing on legal research and education to improve the status of women in Palestinian society, and provision of legal aid to both individual women and women's groups. The Office is also assisting legislators and civil society organizations in the review of personal status legislation. In addition, it is participating in the United Nations Inter-agency Gender Task Force, which has been recently focusing its efforts on the organization of a campaign on violence against women.

34. The human rights of women are also regularly addressed in training programmes conducted by OHCHR for peacekeeping personnel. In 1998, these included two training courses on peacekeeping and human rights jointly organized by OHCHR, the Department of Peacekeeping Operations of the United Nations (DPKO) and the Office of the United Nations High Commissioner for Refugees (UNHCR) at the United Nations Staff College Project in Turin, Italy, and a six-month training programme for the International Police Task Force in Bosnia and Herzegovina. Through such training, it is sought to sensitize United Nations peacekeeping personnel to their own behaviour which could potentially violate the human rights of women in the countries of operation, as well as to stress ways in which peacekeeping personnel can contribute to enhancing the protection and promotion of these rights. In addition, DPKO, OHCHR and the United Nations Staff College Project have agreed to produce jointly a training module on gender and peacekeeping, a first draft of which was prepared in 1998.

35. OHCHR also participated in a workshop on a rights-based approach to women's empowerment and advancement and gender equality organized by the Division for the Advancement of Women in Rome in November 1998. The workshop recalled that the realization of human rights is at the heart of sustainable people-centred human development. As human rights are entitlements, they create obligations on States for their fulfilment. States have an obligation to respect, protect, promote and fulfil women's enjoyment of human rights. OHCHR is fully committed to the human rights-based approach, which is of particular relevance and added value to gender equality.

III. STEPS TAKEN BY HUMAN RIGHTS TREATY BODIES AND BY HUMAN RIGHTS MECHANISMS AND PROCEDURES

A. Human rights treaty bodies

36. With regard to steps taken by the various human rights treaty bodies, a more detailed list of activities was included in the reports submitted to the Commission at its fifty-third and fifty-fourth sessions (E/CN.4/1997/40 and E/CN.4/1998/49 and Add.1).

1. Meeting of persons chairing the human rights treaty bodies

37. The human rights treaty bodies have been encouraged to give and are giving increasing attention to the gender dimension of their work. At their 6th meeting, the chairpersons of the human rights treaty bodies adopted the following recommendations, which were in line with the conclusions of the expert group meeting on the development of guidelines for the integration of gender perspectives into United Nations human rights activities and programmes:

(a) The treaty bodies shall fully integrate gender perspectives into their pre-sessional and sessional working methods, including identification of issues and preparation of questions for country reviews, general comments, general recommendations, and concluding observations. In particular, the treaty bodies should consider the gender implications of each issue discussed under each of the articles of the respective instruments;

(b) Guidelines for the preparation of reports by States parties should be amended to reflect the necessity of providing specific information on the human rights of women for consideration by the respective committees;

(c) In undertaking investigative procedures, the treaty bodies should make special efforts to elicit information about the situation of women in the area of inquiry;

(d) Treaty bodies should consistently request gender-disaggregated data from States parties and from United Nations specialized agencies and use the data in reviewing country reports;

(e) The treaty bodies should make every effort to exchange information on progress, developments and situations concerning the human rights of women;

(f) In preparing reports of the treaty body sessions, attention should be paid to the use of gender-inclusive language wherever possible.

38. At their 8th meeting the chairpersons proposed that a further seminar on gender perspectives, similar to the 1995 expert group meeting, should be considered and that a gender dimension be incorporated in the revision of general comments/recommendations and guidelines previously adopted by the treaty bodies. OHCHR will facilitate the organization of a seminar to consider how gender perspectives can be incorporated into revisions of general comments/recommendations and guidelines of the treaty bodies, as well as other practical initiatives aimed at improving the work of the treaty bodies.

39. In accordance with a request they made at their 8th meeting to the Division for the Advancement of Women, the chairpersons, at their 10th meeting (14-18 September 1998), had before them a report of the Secretary-General (HRI/MC/1998/6) reviewing the integration of a gender perspective into the work of the United Nations human rights treaty bodies. 1/ The chairpersons strongly endorsed the report and emphasized the usefulness of such a comprehensive study for the work of the treaty bodies, in particular in assessing current practices and in identifying and focusing on areas of improvement for the future. The chairpersons, however, expressed concern at the risk that that valuable analysis might not receive the attention it deserved and called upon each of the committees to take full account of the recommendations contained in the report within the framework of their respective mandates.

40. In its conclusions, the report states that the review of the work of the five treaty bodies in the five years since the adoption of the Vienna Declaration and Programme of Action indicates that attention to the situation of women in the framework of guarantees of equal enjoyment of rights and of non-discrimination is being broadly achieved. Thus the mandate of the Vienna Declaration and Programme of Action is being implemented to some extent. This is exemplified in areas such as discrimination against women in education and employment or women's rights in marriage and the family. There is also growing attention to situations that are specific to women, in particular violence against women in its many manifestations. However, the impact of these specific situations of women on the enjoyment of other rights protected under the same instrument remain to be further developed. The report identifies the need to strengthen the understanding of women's enjoyment of rights in the context and within the scope of particular treaties. In this regard, rather than assessing the situation of women per se and focusing on women-specific issues, treaty bodies have the opportunity to assess enjoyment of rights, and of factors and difficulties impeding implementation of rights for women and men, respectively, within the scope of a particular treaty.

2. Human Rights Committee

41. As stated in the report of the Secretary-General on integrating the gender perspective into the work of United Nations human rights treaty bodies referred to above, the Human Rights Committee amended its reporting guidelines in 1995. As a result, States parties are now requested to include information on the factors affecting the equal enjoyment of rights by women under each of the substantive articles of the International Covenant on Civil and Political Rights. The guidelines do not contain specific guidance on the manner in which each article applies to women, nor a requirement for data disaggregated by sex. In April 1997, the Committee held an exchange of views with the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women relating to furthering cooperation between the Division for the Advancement of Women and the Committee. Moreover, in taking note of the various recommendations of the Vienna Declaration and Programme of Action, the

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1/ This report has been drawn on in the preparation of paragraphs 39 to 60 of the present report.

Committee, in 1995, stressed that the lists of issues to be dealt with during the Committee's consideration of States parties' reports should systematically include practical matters concerning equality of status and the human rights of women.

42. The Committee has adopted 26 general comments. General comment 18 addresses non-discrimination; in general comments 4 (on article 3) and 19 (on marriage and the family) reference to gender issues are included. The Committee has acknowledged that more remains to be done in order to reflect gender considerations in its concluding observations. One of the steps taken in this regard is the Committee's decision to update its general comment on article 3, concerning women's equal right to the enjoyment of all rights covered by the Covenant. At the same time, the Committee's growing understanding of the impact of gender on the enjoyment by women of their human rights remains to be reflected more systematically in its general comments. Given the Committee's own experience and the simultaneous elaboration by CEDAW of a general comment on articles 7 and 8 (women in public life), the elaboration of general comment 25 (on article 25, public life) provided such an opportunity. The Committee's ongoing work on a general comment on article 12 could reflect gender issues raised by the Committee in the past (example of Lebanon). A revision of past general comments could be considered in order to reflect the Committee's pronouncements on, for example, women's right to life (art. 6) and to freedom from torture (art. 7) (see HRI/MC/..../.).

43. The Committee has designated one of its members to follow, on a regular basis, the work of the Committee on the Elimination of Discrimination against Women, and to report thereon to the Human Rights Committee. Information about the work of CEDAW is also provided to the Human Rights Committee by its secretariat.

3. Committee on Economic, Social and Cultural Rights

44. The Committee on Economic, Social and Cultural Rights amended its reporting guidelines in 1990, making reference to the specific situation of women in relation to the rights protected by the Covenant and calling for the provision of gender-disaggregated data and information on the particular situation of women.

45. The Committee has expressed its willingness to identify the gender-specific issues arising under each of the substantive articles of the Covenant. It has noted that this may lead to the formulation of a general comment and eventually to the revision of the Committee's reporting guidelines.

46. The Committee's attention to the enjoyment and protection of the rights of women under the Covenant is reflected in its formulation of the lists of issues, and in the questions raised orally during the consideration of States parties' reports. A review of the Committee's work since late 1993 shows that the Committee now regularly addresses women's rights and gender issues, often in some detail, with regard to various rights protected under the Covenant.

47. Regular attention is given to issues of inequality and discrimination with regard to: the right to equal treatment at work, including with regard to equal access to and opportunities in work, equal remuneration, and unemployment rates; the right to education, including illiteracy rates and educational achievement; and violence against women, especially domestic violence and harmful traditional practices.

48. At its sixth session, the Committee designated one of its members to follow on a regular basis the work of the Committee on the Elimination of Discrimination against Women (CEDAW). The Committee proceeds under specific conditions in considering the state of implementation of the Covenant in a State party in the absence of a report, including, when applicable, extensive use of reports which such a State party has submitted to CEDAW.

49. In his report to the chairpersons of the treaty bodies, the Secretary-General also noted that, in preparing a new general comment on article 3, the Committee had the opportunity to link explicitly the obligation under article 3 with all the other substantive provisions of the Covenant and thus to develop an understanding of every provision of the Covenant that identifies issues of special relevance to women and which may not have been given sufficient attention.

4. Committee on the Rights of the Child

50. The Convention on the Rights of the Child is the only one of the major international human rights instruments currently in force which consistently uses both masculine and feminine pronouns throughout, thus removing any ambiguity that the rights apply equally to female and male children.

51. The Committee has incorporated gender concerns in its dialogue with States parties since its first session in 1991. The lists of issues and the questions raised orally during the consideration of States parties' reports increasingly reflect a gender perspective. The issues most commonly addressed are girls' early marriage age; early/teenage pregnancy; the low status of girls in society; adverse health practices; sexual abuse and exploitation; educational opportunities for girls; and family planning education and services.

52. The Committee has held regular "general discussion days", during which thematic issues are considered. The situation of the girl child has been considered in a number of different contexts, such as economic exploitation. In 1998, the Committee held general discussions on HIV/AIDS and clear recommendations were made for the protection of the girl child in that context.

53. The Committee has designated one of its members to follow on a regular basis the work of CEDAW. A workshop to examine ways to coordinate action to promote the two conventions was held and UNICEF has convened several meetings to address issues of common interest in the framework of the Convention on the Rights of the Child. In that regard, a consultation on violence in the family was held in October 1998.

5. Committee against Torture

54. Developments concerning the integration of a gender perspective have been reported to the Committee against Torture, mainly by its Chairperson in follow-up to the meeting of the persons chairing human rights treaty bodies. However, the Committee has not yet taken any specific action to implement various recommendations of the chairpersons. In its recent sessions, the Committee has regularly used gender-inclusive language (references are to "persons", "victims", "citizens").

55. The Committee's consideration of the situation of women or gender issues during its dialogue with States parties falls into the following broad categories: rape and sexual offences; segregation of male and female prisoners; and the situation of pregnant women.

56. Most cases of torture or ill-treatment of women raised by the Committee involve rape, sexual assault or some form of sexual humiliation. Some Committee members have expressed the view that rape constitutes an act of torture. However, in the past five years, none of the Committee's concluding observations have made reference to the situation of women. This is particularly noteworthy as Committee members have either asked specific questions, or made comments focusing on women or gender issues, with respect to approximately one fourth of the reports considered. Committee members have thus shown understanding of the fact that women are subjected to gender-specific forms of torture and ill-treatment, and have raised pertinent gender issues during the constructive dialogue with States parties, although such concerns have not been reflected in the Committee's concluding observations.

57. The Committee has designated one of its members to act as thematic rapporteur on issues relating to gender.

6. Committee on the Elimination of Racial Discrimination

58. The Beijing Platform for Action recognizes the particular vulnerability of women who frequently experience double discrimination, because of their gender roles and because of other aspects such as race, ethnicity or national origin. The Platform highlights women's vulnerability to multiple discrimination in areas including education and training, health, violence, armed conflict, participation in decision-making and in the economy, and human rights.

59. CERD has taken no decision to amend its reporting guidelines to accommodate gender considerations, nor has it taken specific steps to increase its attention to the gender dimensions of racial discrimination. In its discussion of the recommendation of the chairpersons' meeting that the Committees consider amending their reporting guidelines to reflect a gender perspective (see HRI/MISC/1998/6), some members of CERD suggested that gender issues did not fall within the Committee's mandate. Some members, while expressing sympathy towards gender issues, were of the view that gender perspectives could not be incorporated in their work until problems of overlap with CEDAW were resolved. Others expressed understanding of the intersection of discrimination on the basis of race and sex. The view was also expressed

that the appropriate approach was to pass on any information regarding sex discrimination to the relevant Committee via a liaison officer. The discussion revealed a certain degree of uncertainty over concepts such as "gender" and "gender-based", as well as "gender-disaggregated data".

60. The Committee has addressed concerns of women or gender issues in a limited number (approximately 10 per cent) of concluding observations. These cover areas such as: treatment of foreign women working as domestic servants; maternal health care; marriage and family laws; nationality laws; impunity for violations of women's human rights; education of girls; exploitation of prostitution; and sexual violence, including rape, and deaths of women civilians during armed conflict.

61. The Committee has not put in place any particular mechanism to follow the work of CEDAW.

7. Participation of women in human rights treaty bodies

62. The composition of the bodies established under international instruments must be considered as an indicator of the advancement of women within the United Nations system. There is no woman member of the Committee against Torture. On the other hand, the Committee on the Elimination of Discrimination Against Women is composed solely of women. The Committee on Economic, Social and Cultural Rights has two women among its 18 members. The Committee on the Elimination of Racial Discrimination is composed of 18 members among whom three are women. The Committee on the Rights of the Child is composed of seven women among 10 members and the Human Rights Committee is composed of four women among 18 members; both Committees are chaired by women.

B. Human rights mechanisms and procedures

63. The special procedures mechanisms have also been encouraged to integrate a gender perspective into their work. Each year, resolutions adopted by the Commission on Human Rights and the Economic and Social Council have encouraged and requested the special rapporteurs/representatives, experts and working groups to include in their reports gender-disaggregated data, to address the characteristics and practices of human rights violations that are specifically or primarily directed against women or to which women are particularly vulnerable, and to enhance cooperation and exchange information among themselves and with the Special Rapporteur on violence against women.

64. This process is an ongoing one. A number of special procedures are making significant progress and others require additional support and guidance in this area. Some - but not all - of the special procedures have been specifically requested by the Commission on Human Rights to ensure that gender considerations are fully reflected in their work.

65. Early in 1998, UNIFEM developed information materials aimed at demonstrating how gender and the human rights of women could be integrated into the work of the thematic mandates. UNIFEM representatives, together with a number of external experts, made a presentation to OHCHR officers working with the special procedures. This will be followed up during 1999.

66. A number of country-specific special rapporteurs submitted reports to the Commission in 1998 containing a substantive analysis of the human rights of women within their respective mandates.

67. The Special Rapporteur on the situation of human rights in Afghanistan continued, in his report (E/CN.4/1998/71), to pay particular attention to the situation of women in that country. He stated that the situation of Afghan women and girls who make up more than half of the country's population, had been described as "dire and dreadful" since they were effectively excluded from all aspects of the country's economic, social and political life, mainly in Taliban-controlled areas.

68. The Special Rapporteur on the situation of human rights in the Islamic Republic of Iran devoted a section to the status of women in the country in his report (E/CN.4/1998/59). He noted that the status of women was one of the areas in which significant change was expected to be seen of the new Government. Even though a lively and generally tolerated debate had grown up on the issue, the system remained discriminatory and incidents did continue to occur, perhaps at a reduced frequency, that clearly offended the plain meaning of equality.

69. The Special Rapporteur on the situation of human rights in Myanmar devoted an entire chapter to gender perspective in his report (E/CN.4/1998/70). He expressed his concern at cases of women harassed, arbitrarily arrested and forced to work, and at their vulnerability as refugees.

70. The Special Rapporteur on the situation of human rights in Nigeria paid attention to women's rights in his report (E/CN.4/1998/62). He had been informed of the persistence, inter alia, of female genital mutilation, forced marriages and domestic violence, in particular marital rape.

71. The Special Rapporteur on the situation of human rights in Somalia, in her report (E/CN.4/1998/96), regretted that, despite the fact that efforts are being undertaken to empower women in Somalia, especially in the economic field, this has not changed their status in society and they are still excluded from political discussions and decisions. Polygamy and violence against women are common. She also noted that women play a major role in keeping up the traditions that have adverse effects on them, their status, health and personal growth.

72. The Special Rapporteur on the situation of human rights in the Sudan, in his report (E/CN.4/1998/66), continued to express his concern at the Public Order Act enacted in 1996 which seems to institute "strict sexual segregation in public". He also reproduced in his report a document he received during his mission to Khartoum in September 1997 on the execution of punishments provided for by the Act, especially the lashing of women.

73. It should be noted that in the report submitted in 1997, the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia paid special attention to the use of rape as a weapon of war. This matter is not dealt with in the 1998 report (E/CN.4/1998/63).

74. The foregoing is not, of course, an exhaustive list of all the Special Rapporteurs who have expressed their concern about the situation of women in certain countries. However, these are the Special Rapporteurs who have shown the keenest concern at the conditions in the countries whose human rights situation they have examined.

75. With respect to the thematic special rapporteurs, the Special Rapporteur on violence against women, its causes and consequences continues to lead in the integration of human rights of women into the Commission's work. Her report to the Commission in 1998 (E/CN.4/1998/54 and Add.1) focused on violence against women in situations of armed conflict, custodial violence and violence against refugee and internally displaced women.

76. The Special Rapporteur on the right to freedom of opinion and expression in his report (E/CN.4/1998/40 and Add.1 and 2) recalled that the degree to which States respect, protect and promote the right to freedom of opinion and expression of women, which may be exercised through activities and in ways distinctly different from those of men, reflects a country's standards of fair play, justice and honesty with regard to women and the status accorded to them in society.

77. Furthermore, in considering the relationship between violence against women in the domestic and community contexts and freedom of opinion and expression, the Special Rapporteur expressed great concern at the fear, shame and exclusion experienced by women not only because they have an enormous impact on the ability of women to exercise freely their right to expression but also because they reflect, in some countries, inadequacies in the legal protections available to women and, in others, continuing attitudes and practices harmful to women that are justified on the basis of customs, cultural history and social norms.

78. The Intergovernmental Group of Experts on the Right to Development stated in its report on its second session (E/CN.4/1998/29) that the human rights of women and the rights of the child should always be of the highest priority on all human rights and right to development agendas.

79. The Special Rapporteurs have tended increasingly to examine the question of the enjoyment by women of their rights. While they do not all give this matter equal attention or importance, either because reports are not gender-specific or because of a lack of understanding of the relevance of gender, it is interesting to note that there is an encouraging trend towards integrating women's rights into the study of many subjects. Further efforts need to be made, of course, and the United Nations High Commissioner for Human Rights has a role to play in this regard.

IV. ACTION TAKEN BY THE COMMISSION ON HUMAN RIGHTS

80. During its fifty-fourth session (1998), the Commission on Human Rights held a special interactive dialogue on gender and the human rights of women. The dialogue, in which the Chairperson of the Commission on the Status of Women, the High Commissioner, the Special Rapporteur on violence against women, Governments and non-governmental organizations participated, was aimed at bringing closer together the work of the Commission on Human Rights

and the Commission on the Status of Women. It should be noted that at its forty-second session (2-13 March 1998), and in connection with the fiftieth anniversary of the Universal Declaration of Human Rights, the Commission on the Status of Women focused its attention on areas of the Beijing Platform for Action directly relevant to human rights: the human rights of women, in particular the enjoyment by women of their economic and social rights; the girl child; women and armed conflicts; and violence against women. It was felt that the results of the Commission on the Status of Women could strengthen the work of the Commission on Human Rights in the areas of gender and the human rights of women, and in relation to crucial economic and social rights aspects of the right to development. In addition, the Commission on Human Rights had its own substantive perspective to contribute to the work of the Commission on the Status of Women.

81. The wide-ranging dialogue, with questions from Governments and non-governmental organizations, covered such issues as female genital mutilation; violence against women; women's economic, social and cultural rights; and ways and means of improving United Nations actions protecting the human rights of women. The question of the inclusion of violence against women in the statute of the proposed International Criminal Court was raised. The objective of improving the representation of women in the Secretariat and in United Nations bodies was also discussed. The inclusion on the agenda of the Commission on Human Rights of a separate item on the human rights of women, on the understanding that the issue would also be relevant to the other agenda items, was suggested. At the end of its session, the Commission decided to include on the provisional agenda for its fifty-fifth session an item on integration of the human rights of women and a gender perspective.

82. At its fifty-fourth session, the Commission on Human Rights adopted resolutions relating to violence against women migrant workers (1998/17), traffic in women and girls (1998/30), integrating the human rights of women throughout the United Nations system (1998/51) and the elimination of violence against women (1998/52).

83. During its fifty-third and fifty-fourth sessions, the Commission voiced particular concern regarding violations of women's rights in specific countries, such as Afghanistan, Myanmar, the Islamic Republic of Iran, States in the former Yugoslavia, and the Sudan, and adopted several resolutions with respect to the work of country and thematic rapporteurs.

84. In other resolutions, including those on extreme poverty, the rights of the child, the protection of human rights in the context of HIV/AIDS, the right to development and contemporary forms of slavery, the Commission made specific reference to violations of the human rights of women and called for measures to combat these problems.

V. RECOMMENDATIONS

85. All Governments should ratify, without reservations, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. Action should be taken to change existing or introduce new legislation in order to ensure the protection of the human rights of women and to acknowledge the principle of gender equality

as the basis for laws and practices which will promote women's concerns. States should regularly review reservations with a view to withdrawing them.

86. The obligations of States to prevent and redress violations of women's rights need to be further clarified. Women's different life experiences, both in private and in public life, such as in employment, education, or political life, should be assessed more explicitly to identify obstacles to the enjoyment of their rights. In this regard, treaty bodies have an opportunity to clarify States parties' obligations to respect, protect, promote and fulfil the human rights of all.

87. Efforts are being made by the Special Rapporteurs and working groups, as well as by most of the treaty monitoring bodies, to take gender into consideration in implementing their mandates. However, further efforts are needed.

88. The treaty bodies should continue their efforts to develop a gender analysis of each article of each treaty, cross-referenced to the Convention on the Elimination of All Forms of Discrimination against Women, and to develop gender-sensitive model questions to be used in the review of State parties' reports. A common strategy towards mainstreaming the human rights of women into their work should be developed, so that each body, within its mandate, monitors the human rights of women.

89. Cooperation should be encouraged between the treaty bodies in the drafting of general comments/recommendations, with a view to their reflecting a gender perspective. Moreover, each treaty body should be encouraged to incorporate a gender perspective in its concluding observations so that they delineate the strengths and weaknesses of each State party with respect to the enjoyment by women of the rights guaranteed by the treaty in question. The Division for the Advancement of Women could continue to provide guidance to the treaty monitoring bodies.

90. The treaty bodies should review actions already taken with regard to the amendment of reporting guidelines and the preparation of lists of issues and of concluding comments/observations to ensure that explicit attention is paid, in a systematic manner, to gender dimensions in the consideration of States parties' reports. The treaty bodies could also refer explicitly to mainstreaming, in their general comments/recommendations, for example, and identify specific gender-related facts to guide their work.

91. Data and information disaggregated by sex, and specific information with regard to the situation of women provided pursuant to the reporting guidelines, and the lists of issues, and during oral questioning, should not be limited to separate, women-specific areas, or presented primarily in conjunction with women's reproductive functions or responsibilities for children. Rather, a mainstreaming approach requires that particular rights, and measures taken for their implementation, be assessed with regard to women's and men's ability to benefit from those rights and the particular measures taken for implementation. Interaction with States parties concerning such information should be pursued in a more systematic manner in the lists of issues and in the oral questioning.

92. The language used by the Committees is also relevant. Consistent use of masculine pronouns, or reference to situations primarily experienced by men suggests lack of concern for women's enjoyment of human rights.

93. The report of the expert group meeting on the development of guidelines for the integration of gender perspectives into human rights activities and programmes held in 1995 (E/CN.4/1996/105, para. 71) contains a wide range of recommendations. As the present report shows, progress in implementing those recommendations has been made. However, they are still relevant and are therefore reproduced below:

> "1. The language used in the formulation of new human rights instruments and standards and in existing standards should be gender inclusive. The [Office of the High Commissioner for Human Rights] should establish a guideline on gender inclusivity in all the official languages of the United Nations, for use in the preparation of all its communications, reports and publications. The Commission on Human Rights, its Sub-Commission and the various human rights mechanisms ... should also strive to ensure that the language used in reports and resolutions is gender inclusive.
>
> 2. All entities charged with the protection and promotion of human rights, including United Nations human rights bodies, Governments and other international institutions, should identify, collect and use gender-disaggregated data in their communications and apply gender analysis to monitoring and reporting.
>
> 3. Because effective integration of women's human rights within the United Nations requires creative and comprehensive gender analysis of information as well as a gender-sensitive interpretation of all human rights mechanisms, all bodies are called upon to revise their working methods to incorporate such an approach.
>
> 4. An evaluation of all information and training materials published by the Office of the High Commissioner for Human Rights should be undertaken from a gender-sensitive perspective and revisions made where necessary. The Fact Sheet series, the Professional Training series and the Manual on Human Rights Reporting should be considered priorities for such review. Consideration should be given to the development of information materials on gender perspectives and on strategies for ensuring the integration of the human rights of women into United Nations system-wide activities and programmes.
>
> 5. The importance of education cannot be overemphasized. In relation to the United Nations Decade for Human Rights Education, steps should be taken to ensure that all Decade-related activities are gender sensitive; there must also be special attention paid to women's rights and to teaching women about their human rights.
>
> 6. The [Office of the High Commissioner for Human Rights] should provide more accessible information about current activities such as on-site field visits, treaty reporting schedules, etc. so that all NGOs, and especially women's NGOs, can provide greater input and

become more involved in the human rights work of the United Nations. More aggressive steps to disseminate this information could include media outreach, when appropriate to the mandate of the activity, using such means as radio, popular newspapers, etc.

7. All management officials and staff members of the [Office of the High Commissioner for Human Rights] and other personnel involved in United Nations human rights activities should receive training in recognition of the human rights of women and in the application of gender-sensitive perspectives to the promotion and protection of the human rights of women.

...

9. The [Office of the High Commissioner for Human Rights] should continue and further promote system-wide coordination and collaboration on the human rights of women within the United Nations. This includes promoting a gender perspective on the human rights aspects of, inter alia, peacekeeping and monitoring the Department of Peacekeeping Operations, humanitarian assistance (Department of Humanitarian Affairs), refugees (Office of the United Nations High Commissioner for Refugees), development (United Nations Development Programme), economic policy and planning (International Monetary Fund, World Bank), reproductive health services (United Nations Population Fund), labour (International Labour Organization) and education (United Nations Educational, Scientific and Cultural Organization).

10. The [Office of the High Commissioner for Human Rights] should cooperate and collaborate in efforts to mainstream women's human rights with the women-specific bodies of the United Nations system: the Commission on the Status of Women, the Division for the Advancement of Women, CEDAW, UNIFEM, INSTRAW.

11. United Nations bodies and States parties must take steps to ensure equal representation of women and men, as well as gender-trained individuals, on the committees of experts that monitor the implementation of treaties, as well as among the independent experts and working groups of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities."